

Order prepared and submitted by:

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

In re:

EASY STREET HOLDING, LLC, *et al.*,

Address: 201 Heber Avenue
Park City, UT 84060

Tax ID Numbers:

35-2183713 (Easy Street Holding, LLC),
20-4502979 (Easy Street Partners, LLC), and
84-1685764 (Easy Street Mezzanine, LLC)

Bankruptcy Case No. 09-29905
Jointly Administered with Cases
09-29907 and 09-29908

Chapter 11

Honorable R. Kimball Mosier

[FILED ELECTRONICALLY]

**ORDER GRANTING MOTION FOR ORDER PURSUANT TO 11 U.S.C. § 366
(I) PROHIBITING UTILITIES FROM ALTERING, REFUSING OR
DISCONTINUING SERVICES TO, OR DISCRIMINATING AGAINST THE
DEBTORS; (II) PROVIDING THAT A SINGLE DEPOSIT FOR ALL THE DEBTORS’
UTILITIES SHALL CONSTITUTE “ADEQUATE ASSURANCE OF FUTURE
PAYMENT”; AND (III) ESTABLISHING PROCEDURES FOR DETERMINING
REQUESTS FOR ADDITIONAL ASSURANCE**

The “Motion for Order Pursuant to 11 U.S.C. § 366 (I) Prohibiting Utilities from Altering, Refusing, or Discontinuing Services to, or Discriminating Against the Debtors; (II) Providing that a Single Deposit for All the Debtors’ Utilities Shall Constitute ‘Adequate Assurance of Future Payment’; and (III) Establishing Procedures for Determining Requests for Additional Assurance” (the “Motion”), filed on September 15, 2009 by Easy Street Partners, LLC (“Partners”), Easy Street Mezzanine, LLC (“Mezzanine”) and Easy Street Holding, LLC (“Holding”), debtors and debtors in possession in the above-captioned cases (collectively, the “Debtors”), came on for hearing on September 16, 2009. Appearances were made as noted on the record of the hearing. The Court made its findings and conclusions on the record of the hearing, which findings and conclusions are incorporated herein by this reference. Now, therefore,

IT IS HEREBY ORDERED:

1. The Motion is granted.
2. The Utilities (as such term is defined in the Motion) are prohibited from altering, refusing, discontinuing service to, or discriminating against, the Debtors based on the commencement of these cases, or any prepetition debt.
3. The Debtors’ creation of a segregated account (the “Account”) in favor of the Utilities funded with an amount equal to \$24,092 provides the Utilities “adequate assurance of payment” within the meaning of Bankruptcy Code section 366. The amounts in

the Account shall be allocated to the Utilities in the amounts set forth in Exhibit “A” to this Order.

4. In the event the Debtors determine that there is an additional Utility that should be listed on Exhibit “A”, the Debtors shall serve the newly discovered Utility (the “New Utility”) with a copy of the order granting this Motion by electronic mail or overnight mail.

5. In the event a New Utility seeks additional assurance, it must file with the Court and serve an Objection within fourteen (14) days receipt of the Order approving the Motion sent by the Debtors pursuant to paragraph 4. Such New Utility shall be deemed to have been provided with adequate assurance of payment in accordance with Bankruptcy Code section 366, without the need of an additional deposit or other security, until an order of the Court to the contrary is entered.

6. A Utility that objects to the Court’s determination that the Debtors have provided adequate assurance must file an objection (the “Objection”) that sets forth the average monthly usage for the most recent twelve (12) month period, the prepetition amount alleged to be due and owing, and the amount of any deposit made by the Debtors prior to September 14, 2009.

7. The Utility must contact the Court to set a hearing on the Utility Objection, which hearing shall be set no earlier than fifteen (15) days after the Objection was filed.

8. The relief requested in this Motion is without prejudice to the rights of any Utility not on Exhibit “A” to apply on a timely basis to this Court for additional assurances of payment.

-----END OF ORDER-----

EXHIBIT A
UTILITY LIST

<u>Vendor</u>	<u>Services Provided</u>	<u>Address</u>	<u>Average Monthly Cost</u>
AT&T Mobility	Phone	AT&T Mobility PO Box 6463 Carol Stream, IL 60197	\$426.00
Comcast	Cable	Comcast PO Box 34744 Seattle, WA 98124-1744	\$1,132.00
Park City Municipal Corp.	Water	Park City Municipal Corp. PO Box 1480 Park City, UT 84060	\$367.00
Park City Water	Water	Park City Water PO Box 1480 Park City, UT 84060	\$922.00
Questar Gas Company	Gas	Questar Gas Company PO Box 45360 Salt Lake City, UT 84145-03630	\$8,520.00
Qwest	Phone	Qwest PO Box 29039 Phoenix, AZ 85038-9039	\$2,554.00
Rocky Mountain Power	Electricity	Rocky Mountain Power 1033 NE 6 th Avenue Portland, OR 97256-0001	\$8,596.00
Water Reclamation District	Sewer	Water Reclamation District 2800 Homestead Rd Park City, UT 84098-4869	\$1,575.00
			\$24,092.00